

PUBLIC NOTICE

May 1, 2011

Hamilton County Circuit and Superior Courts Proposed Local Court Rule Change

The Judges of the Hamilton County Circuit and Superior Courts find good cause to deviate from the schedule for amending local court rules pursuant to Trial Rule 81(D), and request Supreme Court approval of the proposed amendments.

The following proposed additions, amendments and/or deletions to the Hamilton County Local Court Rules are posted for public comment:

LR29-TR05-201.5 **FILINGS AND SERVICE OF PLEADINGS, MOTIONS, AND OTHER PAPERS** (Addition)

LR29-TR77-202 **CHRONOLOGICAL CASE SUMMARY ENTRIES AND PROPOSED ORDERS** (Amended)

The above rules are on separate pages and deletions are shown by ~~striking~~ and new text is shown by **bold underlining**.

Comments will be received until June 15, 2011, and should be sent to one of the following addresses:

Administrator of the Courts
Hamilton County Courts
One Hamilton County Square, Suite 313
Noblesville, IN 46060-2232

E-Mail: orval.schierholz@hamiltoncounty.in.gov

Following a review of the public comments, the Hamilton County courts will adopt, modify, or reject the proposed local rule change by June 17, 2010.

If approved, the effective date for this rule, will be July 1, 2011 or sooner.

LR29-TR05-201.5 FILING AND SERVICE OF PLEADINGS, MOTIONS, AND OTHER PAPERS

201.5.10 NUMBER OF COPIES. All pleadings, motions, and other papers, including but not limited to affidavits, attachments and exhibits, filed with the Court must be filed with the following number of copies:

- a. An original copy for the Court (Note: For orders only, the original goes into the Record of Judgments and Orders and a copy goes to the Court); and,**
- b. One (1) copy for each of the attorneys, or firms, for the opposing party or parties or one (1) copy for the opposing party if he or she is not represented by counsel.**
- c. The other parties should receive a file-marked copy. If the pleading is filed by mail, the attorney (or unrepresented party) must also send self-addressed, stamped envelopes for the return of file-marked copies of the documents to the attorney or party. If the pleading is filed in person, the attorney (or unrepresented party) shall serve the other parties the file-marked copy.**
- d. If the filing is done via facsimile, it must be done in accordance with LR29-AR12- 103.**
- e. At the sole discretion of the Court, and when ordered by the Court, if any subsequent filings of affidavits, attachments and/or exhibits are excessively voluminous, they may be filed in an electronic or digital format rather than on paper.**

201.5.20 APPEARANCE & SIGNATURE REQUIRED FOR FILING. No pleading, motion, or other paper specified in Rule 5, Indiana Rules of Trial Procedure, will be accepted for filing by the Clerk of the Court unless such pleading, motion, or other paper has been signed in

accordance with Rule 11, Indiana Rules of Trial Procedure, (if so required) by an attorney who has filed an appearance, in accordance with Rule 3.1, Indiana Rules of Trial Procedure, on behalf of the filing party, or by a party who has filed a pro se appearance.

If it is later discovered that a nonconforming pleading or motion has inadvertently been accepted by the Clerk of the Court, upon this discovery, the pleading, motion, or paper may be stricken from the record at the Court's discretion.

201.5.30 SUPPORTING BRIEFS & MEMORANDA. If a party desires to file a brief or memoranda in support of a motion, such brief or memoranda must be attached to the motion and simultaneously filed. A supporting brief or memoranda must be attached to all motions filed under Rules 12 and 56 of the Indiana Rules of Trial Procedure.

201.5.40 PROVISIONS REGARDING SPECIAL JUDGES. When a special judge who is not a Hamilton County judge is selected, a copy of all pending pleadings, motions, and other papers must be mailed or delivered to the office of the special judge with a certificate of forwarding attached and made a part of the original papers. All proposed orders must be forwarded to the special judge as well.

201.5.50 FILING BY MAIL. When pleadings, motions, or other papers are sent by mail for filing with the Court, the filing attorney or party must include a self-addressed, stamped envelope for the return of documents to the attorney or party. If there are any deficiencies in the pleading, motion, or paper that precludes filing, the Clerk is not responsible for such deficiencies. The Clerk and the Court are under no obligation to inform the filing attorney

or party of any deficiencies or to correct any deficiencies.

201.5.60 CASE NUMBERS. Except for the initial pleading (Complaint, etc.), no pleadings shall be accepted by the Clerk or the Court unless it has a Case Number placed prominently on the face of the pleading.

LR29-TR77-202 ~~CHRONOLOGICAL CASE SUMMARY ENTRIES AND PROPOSED ORDERS~~

202.10 ~~Chronological Case Summary entries shall accompany each pleading or document which is filed on a form (Form TR77-202) provided by the Court or in substantial conformity therewith.~~

~~202.20~~ Each Motion, Petition or other request for relief shall be accompanied by a proposed order. Opposing counsel may submit proposed alternative orders to the Court.

202.320 The Court shall not be required to act on any Motion, Petition or other request for relief unless filed in conformity with these General Rules.

202.430 All proposed orders submitted by counsel pursuant to these General Rules shall meet the following requirements:

- a. Contain a complete distribution list of all attorneys and pro se litigants with full addresses.
- b. ~~Sufficient number of copies of such proposed order as follows: original for court, one copy for court file, and one copy for each attorney of record and pro se litigant.~~
- c. Envelopes appropriately addressed for each attorney of record and pro se litigant on the distribution list.